

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12408 of 2017

Arising Out of PS.Case No. -564 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. JAWAHAR LOHAR (SHARMA) @ JAWAHAR SHARMA ,
2. Harischandra Lohar (Sharma)@ Harishchandra Sharma, Both are Sons of Late Nathuni Lohar.
3. Most. Sumitra Devi, Wife of Nathuni Lohar, All three are Resident of Village- West Champaran.
4. Radheshyam Sharma, Son of Gopal Sharma,
5. Ranjan Kumar @ Ranjan Kumar Srivastava, Son of Vashishth Prasad, Both are Resident of Sahasrano, P.S.- Bhairoganj, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jaduni Lohar, Son of Late Ghughali Lohar adopted Son of Late Briksha Lohar P/o Kathoha, P.S.- Dhanha, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Sri Lalan Kumar
For Complainant : Mr. Jainul Abdin

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-03-2017 The petitioners are apprehending their arrest in connection with Tr. No. 4485/16 (arising out of Complaint Case No. 564/15), registered for offences punishable under Sections 420, 467, 468, and 120(B) Indian Penal Code.

It has been submitted on behalf of the petitioners that petitioner Nos. 1 and 2 is the nephew and petitioner no. 3 is the widow sister in law of one Rambriksh Lohar and petitioner no. 4 and 5 are their relatives. It has been alleged by the complainant that complainant being the adoptive son of the said Rambriksh Lohar and after the death of his father, the entire property came in his name and Jamabandi of land measuring area of 9 kathas and



12 dhurs. It is also alleged by the complainant that the petitioners in connivance with the circle office got those lands mutated in their names and when the complainant went to protest about this fact, all the petitioners variously armed assaulted him and his son. However, no occurrence as alleged by the complainant has ever taken place rather petitioners have been falsely implicated in this case due to land dispute between them and only to grab all the ancestral land, this present complaint petition has been filed. It has further been submitted that this is out and out a case of civil nature and the complainant has already invoked the matter before D.C.L.R. and, therefore, no criminal case is made out.

Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail. Learned counsel for the informant has submitted that the petitioners knowing the fact that the land belongs to the complainant has fraudulently got the same mutated in their names and thus has committed criminal offence.

Having heard both sides, in view of the facts and circumstances of the case and as the complainant has already invoked the jurisdiction of DCLR for cancellation of mutation, further the remedy for complainant is always there, as such, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged



on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Bagaha, West Champaran in connection with Tr. No. 4485/16 (arising out of Complaint Case No. 564/15), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the trial and make themselves available as and when required by the court and on the event of failure on their part two appear before the court on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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